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SUBJECT: WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION
ADOPTS CONSERVATION AND MANAGEMENT MEASURES AT ITS 5TH
ANNUAL MEETING

REF: A. A. 08 STATE 5966

[B](#). B. 08 STATE 119766

[C](#). C. 08 STATE 120163

[1](#). (U) SUMMARY. The fifth meeting of the Western and Central Pacific Fisheries Commission was held in Busan, Korea from 8) 12 December 2008. The meeting focused on conservation and management measures for the region,s two major fish stocks - yellowfin and bigeye tuna, adopting a suite of measures for purse seine and longline fisheries to reduce the fishing effort and total catch of bigeye tuna, and by association yellowfin tuna, by 10 percent during 2009 and 30 percent before the end of 2011. The members negotiated and adopted a number of other conservation and management measures at this meeting, including measures for South Pacific swordfish, large-scale driftnets and sea turtles. The Parties revised measures currently in place for sharks and for Cooperating non-Members (CNMs) were revised and adopted a resolution on the development aspirations of Small Island Developing States. The Commission welcomed six CNMs for 2009: Belize, El Salvador, Indonesia, Mexico and Senegal and approved Ecuador,s application under the condition the country would provide the United States with information regarding presumed illegal fishing by Ecuadorian vessels in U.S. waters. A number of officers were appointed and a new Commission Chairman, Ambassador Satya Nandan of Fiji, was elected for a two-year term. END SUMMARY

[2](#). (U) PARTICIPANTS. The Fifth Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC) was held in Busan, Korea from 8) 12 December 2008. Representatives from American Samoa, Australia, Canada, China, Cook Islands, European Community, Federated States of Micronesia, Fiji, France, French Polynesia, Guam, Japan, Kiribati, Korea, Republic of the Marshall Islands, Nauru, New Caledonia, New Zealand, Northern Marianas Islands, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, the United States, and Vanuatu attended the meeting. Belize and Indonesia participated in

their capacity as Cooperating non-Members, and the Executive Secretary of the Inter-American Tropical Tuna Commission and a variety of fishing industry and environmental conservation organization representatives observed the proceedings. A number of participants also attended two days of preliminary meetings to discuss Cooperating non-Member applications and conservation and management measures for yellowfin and bigeye tuna. The Finance and Administration Committee also convened prior to the opening of the plenary session of the Commission.

BIGEYE AND YELLOWFIN TUNA

13. (U) Developing a conservation and management measure (CMM) for yellowfin and bigeye tuna was the Commission's main focus during 2008. The Chairman's initial drafts were taken from the Vessel Day Scheme (VDS) and Third Implementing Arrangement the Parties to the Nauru Agreement (PNA) have adopted to regulate fishing activities in their domestic waters. (NOTE: The PNA is a collection of eight Pacific Island States that have formed a sub-regional agreement on the terms and arrangements for licensing tuna purse seine fishing vessels. Tuna management in the Western and Central Pacific is complicated by the fact that the majority of the tuna are found in waters under the jurisdiction of Small Island Developing States (SIDs). Although the Convention Area

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SUBJECT: WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION includes Party's exclusive economic zones (EEZs), the responsibility for managing resources within those waters is the sovereign right of a coastal State. The Commission provides the venue for international cooperation to manage the highly migratory fish stocks throughout their range. Further, conservation measures adopted by the Commission and those adopted by Parties for their EEZs must be compatible. Given the economic importance of the tuna resources to SIDs, there is great pressure within these islands to continue to issue access licenses or otherwise develop domestic fleets or industries. This has led to conflict in recent years as some SIDs have asserted that the Commission is responsible only for managing the high seas and that measures adopted for their EEZs are sufficient and no additional measures that may limit fishing activities in their EEZs will be acceptable. WCPFC5 made some progress on these issues; however, balancing sovereign rights and economic and social growth with the need for international cooperation to conserve marine resources will continue to challenge the Commission during coming years. END NOTE.)

15. (U) Just prior to the Commission meeting in December, the United States developed and circulated a US paper expressing views on the need to adopt measures that are enforceable, result in a real and measurable conservation benefit and are equitable across all of the Commission members, cooperating non-members and participating territories (&CCMs8). The US Views paper also laid out specific management options to achieve the required reductions in fishing mortality across fleets, taking into account currently available compliance and enforcement tools. Japan also circulated a paper promoting a system that would allow each Party to independently determine the measures they would implement to reduce fishing and catch of bigeye tuna by initially 10 percent. Japan's position appeared to be motivated by their opposition to fisheries closures, both temporally and on fish aggregating devices (FADs), and a desire to use their existing port sampling program to monitor catch of bigeye tuna, only reducing fishing where and if necessary. The United States stressed the need to adopt Convention Area-wide measures to facilitate monitoring and enforcement and increase the effectiveness of the CMM. In the end, the Parties adopted a combination of the PNA measures adopted for their domestic waters and the Japanese and U.S. proposals.

16. (U) PURSE SEINE MEASURES. Management measures for the purse seine fishery were divided into near term (2009) and

midterm (2010-2011) activities. For 2009, all fishing for bigeye tuna is capped at 2001-2004 levels, fishing in association with fish aggregating devices (FADs) is prohibited for 60 days in waters between 20 degrees North and 20 degrees South latitude, 20 percent observer coverage is required for all fleets and Japan is required to reduce their total catch of bigeye tuna by 10 percent. Starting in 2010 the Third Implementing Arrangement will come into force, meaning that purse seine vessels fishing in PNA waters will be prohibited from discarding unwanted tuna, fishing in two of the high seas pockets, or fishing on FADs between 1 July and 30 September. Unless otherwise decided at the next Commission meeting, fishing in other parts of the Convention area (high seas and waters of non-PNA members) will be subject to a 60 day FAD closure, a high seas pockets closure and 100 percent observer coverage on vessels fishing between 20 degrees North and 20 degrees South latitude. During the 2009 and 2010/2011 FAD closures, vessels will be required to return and stay in port unless a fisheries observer is on board to verify that the vessel did not fish in association with FADs. During the next two years, the Commission will consider developing a vessel day scheme (similar to the PNA VDS) to limit fishing on the high seas and will attempt to conduct research to identify fishing methods or gear that effectively reduce catch of juvenile bigeye tunas.

17. (U) LONGLINE MEASURES. Most CCMs are required to reduce

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their longline catch of bigeye tuna by 10 percent every year for the next three years, to achieve a 30 percent reduction in catch before the end of 2011. CCMs that historically caught less than 2,000mt of bigeye tuna will not have to reduce their catch each year and will instead have a 2,000mt limit. Participating territories and SIDs will not have to limit their longline catch of bigeye tuna. Furthermore, the Commission agreed that China would not be required to reduce its bigeye catch, but instead would be capped at current catch levels. Longline fleets, such as that of the United States, which land exclusively fresh fish and catch 5,000mt or less, will take a 10 percent reduction in 2009, but will not be required to make further reductions during 2010 or 2011.

OTHER CONSERVATION AND MANAGEMENT MEASURES

18. (U) SEA TURTLES. After addressing concerns of Australia, New Zealand and battling resistance from the European Community to adopt any measure that referenced the use of circle hooks, the United States developed a proposal to address fishery induced sea turtle mortalities. The adopted measure requires WCPFC vessels to implement safe handling and release practices, including the use of dip nets, de-hooking devices and line cutters to safely free sea turtles that become entangled in fishing gear. Most notably, the measure requires longline vessels fishing for swordfish with shallow-set hooks to use circle hooks or whole fish bait. This measure makes WCPFC the first regional fishery management organization to require the use of modified fishing gear, such as circle hooks, to reduce fishery interactions with sea turtles. As an alternative to these measures, CCMs may develop alternative mitigation plans that can be implemented after they are reviewed and approved by the Scientific and Technical and Compliance Committees.

19. (U) SHARKS. The shark CMM previously in place, applied only to vessels greater than 24m in length. The 4th Regular Session of the SC concluded that shark bycatch does not differ significantly between vessels that are greater than 24m and vessels that are less than 24m. Consequently, the U.S. delegation proposed revisions to the shark CMM to ensure it would apply to sharks caught in association with all fisheries managed under the Convention. The revised measure also recognized the continued use of sharks in subsistence and artisanal fisheries and called for the SC to provide guidance on establishing a research plan to assess the status

of key shark species in the Convention Area.

¶10. (U) HIGH SEAS DRIFTNET FISHING. The 4th Regular Session of the Northern Committee Meeting (NC4) recommended the Commission adopt a CMM prohibiting the use of large-scale driftnets on the high seas in the Convention Area (reftel B).

The Commission adopted a U.S. proposal that prohibits the use and possession of this gear on the high seas of the Convention Area. Although a number of international instruments exist that regulate the use of large-scale driftnets, this new WCPFC measure enables Parties to utilize the Commission's high seas boarding and inspection scheme to board and inspect vessels suspected of carrying or using this gear. In the absence of an appropriate flag state enforcement response, vessels documented violating this CMM can then be forwarded to the Commission for consideration of inclusion on the WCPFC's Illegal, Unreported and Unregulated (IUU) vessel list.

¶11. (U) SWORDFISH. The previous measure capped the total number of vessels that may fish for swordfish south of 20 degrees South latitude. The newly adopted CMM in addition, sets annual limits on CCM's total catch of South Pacific Swordfish. This measure was highly controversial and eventually led to the EC agreeing to allow the Commission's scientific services provider (the SPC's Oceanic Fisheries Program) to review data currently available, pursuant to an appropriate confidentiality agreement and in cooperation with

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¶12. (U) APPLICATIONS. CCMs met prior to the Commission meeting to discuss the 2009 cooperating non-member applications from Belize, Ecuador, El Salvador, Indonesia, Mexico and Senegal. Following a presentation from the Commission's legal advisor, Belize, Ecuador, El Salvador and Indonesia described their fishing effort in the Convention Area (Mexico and Senegal did not attend.) Belize, El Salvador and Indonesia were accepted as CNMs with little discussion within the Commission. Following a thorough evaluation of their applications, and consultations to resolve outstanding questions regarding current and intended fishing effort and how the CMMs would apply to their vessels, Mexico and Senegal were accepted. During discussions regarding Ecuador's application, the United States noted that despite numerous requests through the last year and a half, Ecuador has not taken steps to address presumed IUU fishing activities by a number of their vessels within U.S. waters. A number of other Parties also raised concerns about Ecuador's involvement in illegal fishing activities. After participating in numerous bilateral discussions with the United States, Ecuador was granted CNM status on the condition it provides the United States with information by February 15, 2009, regarding fishing activities of Ecuadorian vessels in U.S. waters. If it does not provide all the requested information to the satisfaction of the United States, its CNM status will become null and void. Belize also requested support from members to become a full Member of the Commission. Discussions regarding their request will be progressed intersessionally by the Executive Director.

¶14. (U) COOPERATING NON-MEMBER MEASURE. Following the contentious discussion regarding CNMs that occurred during the 4th Annual WCPFC meeting (reftel A), the Chairman tasked the Parties to improve and clarify the process for evaluating CNM applications. During the 2008 meeting of the TC), Palau proposed changes to the current CNM measure and presented a flow chart outlining the specific steps for evaluating applications. TCC revised Palau's flowchart to reflect the measure that was currently in force and tasked Canada with revising the CNM measure based on comments submitted by CCMs.

Canada presented a well balanced proposal at the Commission meeting and led efforts to adopt a revised measure that inter alia, requires CNMs to accept high seas boardings and inspections, encourages CNMs to voluntarily limit their catch or number of vessels fishing in the WCPFC Convention area given the status of the stocks and requires CNMs to respond in a timely manner to allegations of IUU fishing.

MONITORING, CONTROL AND SURVEILLANCE

¶15. (U) VESSEL MONITORING SYSTEM (VMS). Before adopting the service level agreement to officially establish the Pacific VMS, the Commission worked to resolve outstanding issues with the Commission VMS Standards, Specifications and Procedures (SSPs). Agreement could not be reached on how to handle reporting in the event of a breakdown of a VMS, so the SSPs were adopted with the understanding that this issue would be discussed at TCC5 and hopefully resolved at WCPFC6. Subsequently, the Commission adopted the service level agreement for the Pacific VMS and an implementation date of April 1, 2009 was established for the Commission's VMS to become operational. The WCPFC and FFA Secretariats executed that agreement shortly thereafter. The Finance and Administration Committee (FAC) reviewed estimates of the cost structure for the VMS program and recommended an increase in funds to allow 600 additional vessels (double the original estimate) in the Commission's VMS program during the first year.

¶16. (U) REGIONAL OBSERVER PROGRAM. The Commission adopted the recommendations of the ROP Intersessional Working Group (IWG-ROP) and decisions of the TCC including recommendations on interim minimum standards, data to be collected by

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SUBJECT: WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION observers, the role and function of audits, the authorization process for national observers, and the need to extend the mandate of the IWG-ROP. The Commission is tentatively planning a meeting of the IWG-ROP for March 2009 in Guam. During 2009 the IWG-ROP will further consider issues related to vessel size, program costs, observer safety and issues related to the definitions of principally, occasionally, adjacent and impartial, which will determine if a fleet will be allowed to carry fisheries observers from the national observer programs of its flag state.

¶17. (U) IUU VESSEL LIST. The 2009 WCPFC IUU vessel list contains two vessels: Jinn Feng Tsair (Chinese-Taipei) and Daniela F (Venezuela). Although the TCC4 considered eight vessels for potential listing, two of which were placed on the Provisional IUU list, no new vessels were added because the concerned Parties reached bilateral agreements to address the presumed IUU activities.

FINANCE AND ADMINISTRATION COMMITTEE

¶18. (U) In determining the funds necessary to support the work of the Commission, the Finance and Administration Committee (FAC) recommended expanding the Secretariat staff to include a second VMS program operator and a data quality officer. The FAC also recommended augmenting the budget to reflect 600 more vessels in the WCPFC VMS in 2009 than were accounted for in the original budget. The FAC recommended extended the contract of the current Director, Mr. Andrew Wright of Australia, for an additional four years. Guided by Australia and the United States, the FAC created a template for a strategic plan to assist Parties in identifying priorities for the Commission and Canada agreed to coordinate the development a strategic plan. Mr. Terry Toomata of Samoa was re-elected as FAC chairman and Mr. Lui Xiaobing of China was selected as co-chair. The total budget approved by the Commission for 2009 was \$4,209,155 with the United States paying \$385,623, or approximately 9% of the total budget.

OTHER ISSUES

¶19. (U) SMALL ISLAND DEVELOPING STATES. The Parties adopted a resolution recognizing the special needs of developing island States and territories. This resolution prompts the Parties to consider options to accommodate and assist SIDS and territories in their aspirations to develop domestic fisheries. Specifically, CCMS are asked to take concerted efforts and consider innovative options to reduce or restructure their fleets to open fishing capacity for SIDS, development, and to cooperate with SIDS in investments in fishing vessels as well as shore-side facilities. The resolution also outlines a number of principles that should

be taken into account when adopting conservation and management measures so as not to unduly or disproportionately burden SIDS or territories.

¶20. (U) BLUEFIN TUNA. The North Committee (NC4) postponed agreement on a recommended measure to cap both the total fishing effort and the fishing mortality rate of Pacific bluefin tuna until the Commission meeting (reftel B). Unfortunately, prior to the meeting Korea circulated a written notification that they were currently unable to agree to such a measure. It is not clear if this measure will be re-tabled at the 2009 NC meeting. In the interim, some outreach to Korea will be necessary to better understand its concerns and ensure its future cooperation in such efforts.

¶21. (U) TRANSHIPMENT. The Commission has been continually challenged by differences between the coastal states, whose ports and shore side facilities would benefit economically from a total prohibition on at-sea transshipment, and distant water fishing nations for which certain fishing operations are established and based on their ability to tranship at-sea. The proposal tabled by the Marshall Islands contained a number of contentious elements, such as prohibitions against transshipping in the high seas pockets, transshipping frozen fish at sea between 20 North and 20 South latitude and transshipping to carrier vessels flagged to

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SUBJECT: WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION non-CCM nations -- an activity that is currently allowed by the Commission. In an attempt to produce a consensus document, there was significant movement on a number of these controversial issues towards the end of the meeting; however, there was not enough time to resolve other details of the draft measure. The Commission therefore decided to develop a revised measure intersessionally and adopted a one-year extension of the exemptions currently in place for at-sea transshipment agreeing that further extensions would be unacceptable.

¶22. (U) COMPLIANCE WORKING GROUP (C2M2). Australia proposed and will lead an intersessional Compliance with Conservation and Management Measures Working Group (C2M2) that will recommend to TCC5 options for an effective structure and process for a WCPFC Compliance Monitoring Scheme. Draft terms of reference were tabled at WCPFC5, but there was not sufficient time to agree on them. The United States will provide further comments on the draft terms of reference for the C2M2 Working Group, and will participate in its work.

¶23. (U) CHAIRMANSHIP. There were three candidates for WCPFC Chairman: Mr. Masanori Miyahara of Japan, Mr. William Gibbons-Fly of the United States and Mr. Satya Nandan of Fiji. Following discussion in heads of delegation meetings, the Commission elected, by consensus, Ambassador Satya Nandan for a term of two years. It was agreed that at the expiry of this term, non-FFA States will provide a candidate or candidates for the position of Chair for the consideration of the Commission. Ms. Sylvie LaPointe of Canada was selected to serve as Vice-Chair during Mr. Nandan's two year term.

¶24. (U) OFFICERS. Mr. Naozumi Miyabe of Japan was elected chair of the Scientific Committee and Mr. Keith Bigelow of the United States was elected Vice-Chair. Mr. Masanori Miyahara was re-elected as the Chairman of the Northern Committee and Mr. Benjamin Tabios of the Philippines was elected to serve as Vice-Chair.

¶25. (U) NEXT MEETINGS. The next annual meeting of the WCPFC will be held in French Polynesia December 7-11, 2009. The provisional schedule for the subsidiary bodies of the WCPFC will start with a meeting of the IWG-ROP program in Guam 17-21 March 2009. The Scientific Committee will meet August 10-21, 2009 in Port Vila, Vanuatu. The Northern Committee will meet September 15-17, 2009 in Japan and the Technical and Compliance Committee will meet October 1-6, 2009 in Pohnpei, Federated States of Micronesia.

¶26. (U) CONTACT INFORMATION. Please direct related questions

or comments to Ms. Sarah McTee, Office of Marine
Conservation, by phone (202-647-3941) or via the
Department,s classified or unclassified email system at
McTeeSa@state.gov.

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